

2 INTRODUCTION

This chapter provides the reader with an overview of the project; background on the purpose, focus and use of the draft environmental impact report (Draft EIR); a summary of opportunities for public participation; and a description of the terminology used herein. A detailed description of the project is provided in Chapter 3 (Project Description).

2.1 PURPOSE AND INTENDED USE OF THE ENVIRONMENTAL IMPACT REPORT

The project is proposed to address current and projected shortages of celled capacity to safely and securely house condemned inmates at San Quentin State Prison (SQSP) in Marin County, California. The project is needed to meet the following state requirements: (1) California Penal Code § 3600: all male condemned inmates in California must be housed at SQSP; (2) California Penal Code § 3603: all court ordered executions in California must be carried out within the walls of SQSP; (3) Thompson Decree: establishing minimum conditions for condemned inmates at SQSP; and (4) the California Department of Corrections (CDC) safety and security guidelines. The new facility is herein referred to as SQSP Condemned Inmate Complex (CIC). As lead agency and project proponent, CDC proposes to construct a new prison facility that would house up to 1,408 condemned inmates, at its maximum capacity, on a site that is approximately 40 acres in size and within the current boundaries of SQSP.

This Draft EIR has been prepared by CDC, which is also the lead agency. The purpose of the Draft EIR is to evaluate the potential environmental effects of the project, in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, §15000 et seq.), as amended. CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.

A Draft EIR is a public document that assesses the environmental effects related to the planning, construction, and operation of a project and indicates ways to reduce or avoid possible environmental damage. The Draft EIR also discloses significant environmental impacts that cannot be avoided, growth-inducing impacts, effects found not to be significant, and significant cumulative impacts of past, present, and reasonably foreseeable future projects. Mitigation has been recommended where feasible to reduce or avoid the project's impacts. These mitigation measures, including a description of timing of implementation, agency responsibility, and monitoring requirements, will be described in a Mitigation Monitoring and Reporting Program (MMRP) document. Once the EIR is finalized, the MMRP will be prepared by CDC for consideration along with the project and the EIR.

A Draft EIR is an informational document used in the planning and decision-making process. It is not the purpose of a Draft EIR to recommend either approval or denial of a project. CEQA requires the decision makers to balance the benefits of a project against its unavoidable environmental risks. If environmental impacts are identified as significant and unavoidable, CDC may still approve the project if it believes that social, economic, or other benefits outweigh the unavoidable impacts. CDC would then be required to state in writing the specific reasons for approving the project, based on information in the Draft EIR and other information in the record. This document is called, per §15093 of the State CEQA Guidelines, a "statement of overriding considerations."

2.2 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

CDC is the lead agency with primary authority for approval of the project. Additional agencies (listed below) with potential permit authority over the project, or elements thereof, will have the opportunity to

review this document during the public and agency review period, and will use this information in consideration of any issuance of any permits required for the project.

Public agencies with known permits, other approvals, or jurisdiction by law over resources on the site include the following (but may not be limited to):

LEAD AGENCY

- California Department of Corrections (CDC)

STATE RESPONSIBLE AGENCIES

- Bay Conservation and Development Commission (BCDC)
- Regional Water Quality Control Board (RWQCB)
- Office of Historic Preservation/State Historic Preservation Officer (SHPO)

STATE TRUSTEE AGENCIES

- California Department of Fish and Game (CDFG)

LOCAL RESPONSIBLE AGENCIES

- Marin Municipal Water District (MMWD)
- Bay Area Air Quality Management District (BAAQMD)

FEDERAL AGENCIES

- U.S. Army Corps of Engineers (USACE)
- U.S. Fish and Wildlife Service (USFWS)

2.3 SCOPE OF THE DRAFT EIR

Pursuant to §15143 of the State CEQA Guidelines, a lead agency should limit the Draft EIR's discussion of environmental effects to specific issues where significant effects on the environment may occur. CDC used a variety of information to determine which issue areas could result in significant effects on the environment. This information included field surveys of the project site, review of project characteristics, review of comments during agency consultation, and review of comments received on the Notice of Preparation (NOP) and during a public scoping meeting.

A NOP was circulated to public agencies and the public on November 26, 2003, for a 30-day review period that concluded on December 27, 2003. The NOP notified the public that a Draft EIR was to be prepared for the project and briefly described the elements of the project and the scope of the environmental analysis that would be presented in the Draft EIR. The NOP also requested public agencies and members of the public to provide their comments on the scope and content of the Draft EIR that was to be prepared. A public scoping meeting was held December 18, 2003. The NOP and comments received on the NOP and at the scoping meeting are included in Appendix A. Review of the NOP and public scoping comments and preliminary analysis indicate that some environmental issue areas

of the project may result in significant adverse effects on the environment. These issue areas include: visual resources; air quality; biological resources; land use and planning; cultural resources; geology; soils; seismicity; hazards and hazardous materials; hydrology and water quality; noise; employment; population and housing; public services and utilities; and transportation and circulation. Consequently, the scope of this Draft EIR focuses on these issue areas.

2.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on the NOP, public comments on the NOP and at the public scoping meeting, and on preliminary analysis, the project was determined to have a less-than-significant impact on mineral resources, agricultural resources, recreation, and paleontological resources. These issues are not evaluated further in this Draft EIR. The following provides a description of why these issue areas were found to be less than significant.

MINERAL RESOURCES

The project site is not located in a known mineral resource recovery zone, nor are any mineral resources that would be of value to the region or the state known to underlie the project site. Therefore, development of the project would have no effect on the availability of known mineral resources. This issue area is not evaluated further in this Draft EIR.

AGRICULTURAL RESOURCES

The project would be constructed entirely within the existing boundaries of SQSP, which is currently occupied by a minimum security inmate complex and other prison facilities. No agricultural resources would be affected by the project and this issue is not evaluated further in this Draft EIR.

RECREATION

The project would result in the continuation of existing conditions at the project site. No new public housing is proposed. Therefore, the project would not increase local or regional demand for recreational facilities or opportunities. The project would have no impact on recreational resources and this issue area is not evaluated further in this Draft EIR.

PALEONTOLOGICAL RESOURCES

Geologic mapping in the project area indicates that the project site contains Holocene (10,000 years and younger) alluvium. Because, by definition, an object must be more than 10,000 years old in order to be considered a fossil, project-related activities (i.e., grading, trenching, excavating) in these deposits would not adversely affect potential paleontological resources present on the site.

2.5 PUBLIC REVIEW PROCESS

Consistent with the requirements of CEQA, a good faith effort has been made during the preparation of this Draft EIR to contact affected agencies, organizations, and individuals who may have an interest in the project. As described above, this effort included the circulation of the NOP on November 26, 2003 and a public scoping meeting in the City of Larkspur on December 18, 2003. In addition, early consultation with relevant agencies, organizations, and individuals assisted in the preparation of this Draft EIR.

CDC has filed a Notice of Completion (NOC) with the Governor's Office of Planning and Research, State Clearinghouse, indicating that this Draft EIR has been completed and is available for review and comment by the public. The public review period will begin September 27, 2004 and end November 10, 2004.

PUBLIC HEARING

A public hearing on this Draft EIR will also be held at the Marin County Civic Center, Board of Supervisors Chambers, Room 330 (3501 Civic Center Drive, San Rafael, California) on November 4, 2004 at 6 p.m., during the review period, to receive oral comments on the document. A public Notice of Availability of the Draft EIR, which also includes the date, time, and specific location for the public hearing, has been published in local newspapers of general circulation.

WRITTEN COMMENTS

Comments on the Draft EIR may be made either in writing before the end of the comment period or orally at the aforementioned public hearing. Written comments should be mailed or emailed to the addresses provided below. Following the close of the public comment period, responses to the comments received on the Draft EIR will be prepared and published, and together with this Draft EIR will constitute the Final Draft EIR.

Mail comments to:

California Department of Corrections
Facilities Management Division
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Cher Daniels

or e-mail comments to:

SQSPDEIRComments@edaw.com

Copies of the Draft EIR can be reviewed at the locations listed below. Technical studies can be reviewed at the address for the California Department of Corrections listed below:

California Department of Corrections
501 J Street, Room 304
Sacramento, California 95814
Contact: Cher Daniels (916) 323-0731

City of Larkspur
Planning Department
400 Magnolia Avenue
Larkspur, California 94939

City of San Rafael
Community Development Department
1400 Fifth Avenue (Third Floor of City Hall)
San Rafael, California 94901

County of Marin
Community Development Department
3501 Civic Center Drive, Room 308
San Rafael, California 94903

San Rafael County Library
1100 E Street
San Rafael, California 94901

Corte Madera Library
707 Meadowsweet Dr.
Corte Madera, California 94925

City of Larkspur Library
400 Magnolia Ave
Larkspur, California 94939

2.6 EIR ORGANIZATION

This EIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Section 4.8, Land Use).

Chapter 1, Executive Summary. Chapter 1 summarizes the project description, alternatives, the significant environmental impacts that would result from the project, and the mitigation measures proposed to reduce or eliminate those impacts.

Chapter 2, Introduction. Chapter 2 describes the purpose and organization of the EIR, context, public review process, and terminology used in the EIR.

Chapter 3, Project Description. Chapter 3 describes project location, background, proposed actions by the CDC, project characteristics, and project objectives. This chapter also describes project construction.

Chapter 4, Environmental Analysis. For each environmental issue, such as Biological Resources, this chapter describes the existing environmental setting, discusses the environmental impacts associated with project construction and operations, and identifies mitigation for significant impacts.

Chapter 5, Cumulative Impacts. This chapter discusses cumulative impacts that would result from the proposed project in combination with impacts from reasonably foreseeable projects in the project area.

Chapter 6, Other CEQA-Mandated Sections. The potential for the project to foster economic or population growth, or remove obstacles to growth, are evaluated in Chapter 6. Project and cumulative impacts that cannot be mitigated to a less-than-significant level are also documented in this chapter.

Chapter 7, Alternatives. This chapter describes alternatives to the project, at a level consistent with CEQA requirements. The alternatives are not analyzed at the same level as the project, which is consistent with the provisions of State CEQA Guidelines §15126.6(d). Rather, they present options that could reduce or avoid environmental impacts while meeting the project's objectives, and are compared to the impacts of the project.

Chapter 8, Organizations and Persons Consulted. This chapter identifies the organizations and persons that were consulted during the preparation of the EIR.

Chapter 9, Preparers of the Environmental Document. This chapter identifies the EIR authors and people who provided analysis in support of the EIR's conclusions.

Chapter 10, References. This chapter sets forth a comprehensive listing of all sources of information used in the preparation of the EIR.

Appendices. This section contains various technical reports, letters, etc., summarized or otherwise used for preparation of the EIR.

2.7 TERMINOLOGY USED IN THE DRAFT EIR

This Draft EIR includes the following terminology to denote the significance of environmental impacts of the project:

- ***Less-than-significant Impact:*** A less-than-significant impact is one that would not result in a substantial and adverse change in the environment. This impact level does not require mitigation measures.
- ***Significant Impact:*** State CEQA Guidelines §21068 defines a significant impact as one that causes “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” Feasible mitigation measures or alternatives to the project must be considered to reduce the magnitude of significant impacts to less-than-significant levels.
- ***Potentially Significant Impact:*** A potentially significant impact is one that, if it were to occur, would be considered a significant impact as described above; however, the occurrence of the impact cannot be definitely determined. For CEQA purposes, a potentially significant impact is treated as if it were a significant impact.
- ***Significant and Unavoidable Impact:*** A significant and unavoidable impact is one that would result in a substantial adverse effect on the environment that cannot be feasibly mitigated to a less-than-significant level. A project with significant unavoidable impacts can still be approved, but CDC would be required to prepare a Statement of Overriding Considerations, pursuant to State CEQA Guidelines §15093, explaining the social, economic, or other benefits of the project that outweigh the significant environmental impacts.
- ***Thresholds of Significance:*** A criterion to define at what level an impact would be considered significant. A criterion is defined based on examples found in CEQA or the State CEQA Guidelines, scientific and factual data, the policy/regulatory environment of affected jurisdictions, and other factors.

2.8 TECHNICAL STUDIES USED IN THE EIR

Several studies or reports have been prepared in support of the analysis presented in this Draft EIR and are included in the appendices. In addition, the following studies and reports were prepared in connection with the project, and are available at the California Department of Corrections, 501 J Street, Room 304, Sacramento, California, 95814.

- *Draft Architectural Program for the California State Prison, San Quentin Condemned Inmate Complex* prepared by Fuller, Coe & Associates, June 15, 2004.
- *Geotechnical Assessment Report, San Quentin State Prison, San Quentin State Prison Condemned Inmate Complex*, prepared by Hallenbeck/Allwest Associates, 2004.
- *California State Prison, San Quentin Site Engineering, Condemned Inmate Complex, Predesign Engineering Report*, prepared by Winzler & Kelly, July 9, 2004.
- *CDC-San Quentin Facility EIR – Water and Wastewater Projections and Capacity Assessment*, prepared by West Yost & Associates, July 14, 2004.

2.9 ACRONYMS AND ABBREVIATIONS

| | |
|----------------|---|
| AAQS | Ambient Air Quality Standards |
| ADWF | average dry weather flow |
| AF | acre-feet |
| AFY | acre-feet per year |
| AQMD | Air Quality Management District |
| AQMP | Air Quality Management Plan |
| ARB | Air Resources Board |
| BCDC | Bay Conservation and Development Commission |
| BMP | Best Management Practices |
| CAA | Federal Clean Air Act |
| Caltrans | California Department of Transportation |
| CARB | California Air Resources Board |
| CCAA | California Clean Air Act |
| CDC | California Department of Corrections |
| CEQA | California Environmental Quality Act |
| CESA | California Endangered Species Act |
| cfs | cubic feet per second |
| CIC | condemned inmate complex |
| CNEL | Community Noise Equivalent Level |
| CNPS | California Native Plant Society |
| CO | carbon monoxide |
| CSP | California State Prison |
| CPC | California Penal Code |
| CWA | Clean Water Act |
| CY | cubic yards |
| dBA | A-weighted decibel |
| DFG | California Department of Fish and Game |
| EIR | environmental impact report |
| EPA | U.S. Environmental Protection Agency |
| ESA | Federal Endangered Species Act |
| FEMA | Federal Emergency Management Agency |
| FHWA | Federal Highway Administration |
| gpcd | gallons per capita per day |

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|------------------------|---|
| gpid | gallons per inmate per day |
| gpm | gallons per minute |
| HCP | Habitat Conservation Plan |
| I/I | Inflow/Infiltration |
| KOP | key observation point |
| L _{dn} | Day-Night Averaged Noise Level |
| LOS | Level of Service |
| mg/l | milligrams per liter |
| MGD | million gallons per day |
| NDDB | California Natural Diversity Database |
| NOAA | National Oceanic Atmospheric Administration |
| NO ₂ | nitrogen dioxide |
| NOC | Notice of Completion |
| NOD | Notice of Determination |
| NOP | Notice of Preparation |
| NO _x | nitrogen oxides |
| NPDES | National Pollutant Discharge Elimination System |
| O ₃ | ozone |
| PM ₁₀ | fine particulate matter (10 micron diameter or less) |
| ppm | parts per million |
| Ranch | minimum security facility located at SQSP |
| RASP | Recycling and Salvage Program |
| ROG | reactive organic gases |
| RWQCB | Regional Water Quality Control Board |
| SHPO | State Historic Preservation Officer/Office of Historic Preservation |
| SIP | State Implementation Plan |
| SO ₂ | sulfur dioxide |
| SO _x | oxides of sulfur |
| SQSP | San Quentin State Prison |
| USACE | U.S. Army Corps of Engineers |
| USFWS | U.S. Fish and Wildlife Service |